



PROPOSED RULE MAKING

CR-102 (June 2012)

(Implements RCW 34.05.320)

Do **NOT** use for expedited rule making

Agency: Department of Social and Health Services, Aging and Long-Term Support Administration

- ☒ **Preproposal Statement of Inquiry was filed as WSR:** 15-01-180 ; or
☐ **Expedited Rule Making--Proposed notice was filed as WSR:** ; or
☐ **Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).**

- ☒ **Original Notice**
☐ **Supplemental Notice to WSR:**
☐ **Continuance of WSR:**

Title of rule and other identifying information: (Describe Subject)

The department is repealing the following sections in chapter 388-76 WAC, Adult Family Home Minimum Licensing Requirements: WAC 388-76-11000 Resident protection program—Investigation of reports, WAC 388-76-11004 Resident protection program—Individual defined, WAC 388-76-11005 Resident protection program—Notice to individual of preliminary finding, WAC 388-76-11010 Resident protection program—Notice to others of preliminary finding, WAC 388-76-11015 Resident protection program—Disputing a preliminary finding, WAC 388-76-11020 Resident protection program—Hearing procedures to dispute preliminary finding, WAC 388-76-11025 Resident protection program—Finalizing a preliminary finding, WAC 388-76-11030 Resident protection program—Appeal of the initial order or finding, WAC 388-76-11035 Resident protection program—Reporting final findings, and WAC 388-76-11040 Resident protection program—Disclosure of investigative and finding information.

Also, the department is amending, WAC 388-76-10655 Physical Restraints, WAC 388-76-10660 chemical restraints, and WAC 388-76-10685 Bedrooms, and creating one new section, WAC 388-76-10463 Medication – Psychopharmacologic.

Hearing location(s):

Office Building 2
DSHS Headquarters
1115 Washington
Olympia, WA 98504

Public parking at 11th and Jefferson. A map is available at:
<http://www1.dshs.wa.gov/msa/rpau/RPAU-OB-2directions.html>

Date: June 9, 2015 Time: 10:00 a.m.

Date of intended adoption: Not earlier than June 10, 2015
(Note: This is **NOT** the **effective** date)

Submit written comments to:

Name: DSHS Rules Coordinator
Address: PO Box 45850
Olympia, WA 98504
e-mail: DSHSRPAURulesCoordinator@dshs.wa.gov
fax: (360) 664-6185

by: 5:00 p.m. June 9, 2015

Assistance for persons with disabilities: Contact:
Jeff Kildahl, DSHS Rules Consultant by May 26, 2015
Phone: (360) 664-6092 or TTY: (360) 664-6178
Email: KildaJA@dshs.wa.gov

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

Resident Client Protection Program (RCPP) has been moved into Adult Protective Services and the rules will be administered under chapter 388-71 WAC and chapter 388-106 WAC. References to the RCPP would thus be incorrect and will be repealed from chapter 388-76 WAC. Residential Care Services is coordinating to eliminate these WAC sections at the same time Home and Community Services is incorporating them into their WACs. The CR-102s for both divisions will be filed at the same time. Repealing the rules is beneficial to or supported by the regulated entities to prevent duplication of licensing rules. Also, the department needs to amend rules to comply with Center for Medicare and Medicaid Services new requirements for Home and Community Based Services regulations on chemical and physical restraints, psychopharmacologic medications, as well as the requirement for entrance doors to be locked by the resident with only appropriate staff having keys to doors.

Reasons supporting proposal: See above.

Statutory authority for adoption: Chapter 70.128 RCW

Statute being implemented: Chapter 70.128 RCW

Is rule necessary because of a:

- Federal Law? ☒ Yes ☐ No
Federal Court Decision? ☐ Yes ☐ No
State Court Decision? ☐ Yes ☐ No
If yes, CITATION:

DATE

April 30, 2015

NAME (type or print)

Katherine Vasquez

SIGNATURE

TITLE

DSHS Rules Coordinator

CODE REVISER USE ONLY

**OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED**

DATE: May 06, 2015

TIME: 8:18 AM

WSR 15-10-092

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

None

Name of proponent: (person or organization) Department of Social and Health Services

- ☐ Private
☐ Public
☒ Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Christi Pederson	P.O. Box 45600, Olympia WA 98513	360-725-2327
Implementation:	Carl Walters	P.O. Box 45600, Olympia WA 98513	360-725-2400
Enforcement:	Tim Hoekstra	P.O. Box 45600, Olympia WA 98513	360-725-3238

Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?

☐ Yes. Attach copy of small business economic impact statement or school district fiscal impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

Phone: ()

Fax: ()

e-mail

☒ No. Explain why no statement was prepared.

Under RCW 19.85.025 (3), an SBEIS is not required for rules adopting or incorporating, by reference without material change, Washington State statutes or federal statutes or regulations.

Is a cost-benefit analysis required under RCW 34.05.328?

☐ Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

Phone: ()

fax: ()

e-mail:

☒ No: Please explain:

Under RCW 34.05.328 (5)(b)(iii), a CBA is not required for rules adopting or incorporating, by reference without material change, Washington State statutes or federal statutes or regulations.

